

**FILED**

DEC 09 2005

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

**CHAMBERS**

GORDON & REES LLP

KEVIN W. ALEXANDER (State Bar No 175204) *kalexander@gordonrees.com*

RICHARD P. SYBERT (State Bar No 80731) *rsybert@gordonrees.com*

101 West Broadway, Suite 2000

San Diego, California 92101

Telephone: (619) 696-6700

Facsimile: (619) 696-7124

Attorneys for Plaintiff

LIVEOPS, INC.

MUNGER TOLLES & OLSON LLP

MARK B. HELM (State Bar No. 115711) *mark.helm@mto.com*

HOJOON HWANG (State Bar No. 189450) *hojoon.hwang@mto.com*

560 Mission Street, 27<sup>th</sup> Floor

San Francisco, CA 94705

Telephone: (415) 512-4000

Facsimile: (415) 644-6909

Attorneys for Defendant

TELEO, INC.

TOWNSEND AND TOWNSEND AND CREW LLP

BYRON W. COOPER (State Bar No. 166578) *bwcooper@townsend.com*

MARILEE S. CHAN (State Bar No. 232432) *mschan@townsend.com*

379 Lytton Avenue

Palo Alto, California 94301

Telephone: (650) 326-2400

Facsimile: (650) 326-2422

Attorneys for Defendant

WENDELL BROWN

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

LiveOps, Inc., a Delaware Corporation,

Plaintiff,

v.

Teleo, Inc., a Nevada Corporation; Wendell  
Brown, an individual, and DOES 1 through 99,  
inclusive,

Defendants.

Case No. C05-3773 MJJ

**STIPULATION AND [PROPOSED]  
ORDER MOVING THE CASE  
MANAGEMENT CONFERENCE TO  
JANUARY 10, 2006**

1 LiveOps, Inc. ("LiveOps"), Teleo, Inc. ("Teleo"), and Wendell Brown ("Brown"), through  
2 each party's undersigned counsel, hereby submit this Stipulation and [Proposed] Order to move the  
3 case management conference from January 3, 2006 to January 10, 2006.

4 WHEREAS, on September 19, 2005, the Court issued an Order setting the initial case  
5 management conference on January 3, 2006;

6 WHEREAS, on November 16, 2005, Brown filed "Defendant Wendell Brown's Notice of  
7 Motion and Motion to Dismiss Claims 2-8; Memorandum of Points and Authorities" ("Brown's  
8 Motion to Dismiss") which noticed the hearing date for January 3, 2006;

9 WHEREAS, on November 18, 2005, pursuant to the Court's request, Brown filed "Defendant  
10 Wendell Brown's Amended Notice of Motion to Dismiss Claims 2-8," changing the date of the  
11 hearing from January 3, 2006 to January 10, 2006;

12 WHEREAS, LiveOps, Teleo, and Brown agree to move the case management conference from  
13 January 3, 2006 to January 10, 2006 to be on the same schedule as the hearing for Brown's Motion to  
14 Dismiss;

15 WHEREAS, the requested change in date of the case management conference will not affect  
16 the current case schedule;

17 WHEREAS, previous time modifications in this case are as follows:

- 18 • On October 10, 2005, LiveOps and Teleo filed a stipulation extending Teleo's time for  
19 responding to the Complaint to November 7, 2005.
- 20 • On October 24, 2005, LiveOps and Brown filed a stipulation extending Brown's time  
21 for responding to the Complaint to November 16, 2005.
- 22 • On November 1, 2005, LiveOps and Teleo filed a stipulation extending Teleo's time  
23 for responding to the Complaint to November 16, 2005.

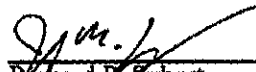
24 THEREFORE, LiveOps, Teleo, and Brown hereby stipulate to move the case management  
25 conference from January 3, 2006 to January 10, 2006.

26 IT IS SO STIPULATED.  
27  
28

Respectfully submitted,

DATED: November 28, 2005

By:

  
Richard P. Sybert  
Jeffrey A. Ratinoff  
Attorneys for Plaintiff  
LIVEOPS, INC.

DATED: November \_\_, 2005

By:

Mark B. Helm

Attorneys for Defendant  
TELEO, INC.

DATED: November \_\_, 2005

By:

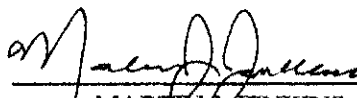
Byron W. Cooper

Attorneys for Defendant  
WENDELL BROWN

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/9/2005

  
MARTIN L. JENKINS  
UNITED STATES DISTRICT JUDGE

60642578 v1

1 Respectfully submitted,

2  
3 DATED: November \_\_, 2005

By:

Richard P. Sybert

Attorneys for Plaintiff  
LIVEOPS, INC.

4  
5  
6  
7 DATED: November 29, 2005

By:

Mark Helm / by HH  
Mark B. Helm

Attorneys for Defendant  
TELEO, INC.

8  
9  
10  
11 DATED: November 29, 2005

By:

Byron W. Cooper  
Byron W. Cooper

Attorneys for Defendant  
WENDELL BROWN

12  
13  
14  
15  
16  
17 ORDER

18  
19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20  
21  
22 Dated: \_\_\_\_\_

23 MARTIN J. JENKINS  
24 UNITED STATES DISTRICT JUDGE

25  
26 60642578 v1

**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 29 day of November, 2005. Any other counsel of record will be served by first class mail.

/s/ Byron W. Cooper  
Byron W. Cooper